

CHAPTER XX

OF OFFENCES RELATING TO MARRIAGE

493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage —

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for 10 years and fine—Non-cognizable—Non-bailable—Triable by Magistrate of the first class—Non-compoundable.

494. Marrying again during lifetime of husband or wife —

Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception— This section does not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for 7 years and fine—Non-cognizable—Bailable—Triable by Magistrate of the first class—Compoundable by the husband or wife of the person so marrying with the permission of the court.

State Amendment

State of Andhra Pradesh:

Punishment—Imprisonment for 7 years and fine—Cognizable—Non-bailable—Triable by Magistrate of the first class—Non-compoundable.

Vide A.P. Act 3 of 1992, section 2 (w.e.f. 15-2-1992).

495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted —

Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for 10 years and fine—Non-cognizable—Bailable—Triable by Magistrate of the first class—Non-compoundable.

STATE AMENDMENT

State of Andhra Pradesh :

Punishment—Imprisonment for 10 years and fine—Cognizable—Non-bailable—
Triable by Magistrate of the first class—Non-compoundable.

Vide A.P. Act 3 of 1992, section 2 (w.e.f. 15-2-1992)

496. Marriage ceremony fraudulently gone through without lawful marriage —

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for 7 years and fine—Non-cognizable—Bailable—
Triable by Magistrate of the first class—Non-compoundable.

State Amendment

State of Andhra Pradesh :

Punishment—Imprisonment for 7 years and fine—Cognizable—Non-bailable—
Triable by Magistrate of the first class—Non-compoundable.

Vide A.P. Act 3 of 1992, section 2 (w.e.f. 15-2-1992).

497. Adultery —

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall be punishable as an abettor.

CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for 5 years, or fine, or both—Non-cognizable—
Bailable—Triable by Magistrate of the first class—Non-compoundable.

STATE AMENDMENT

State of Andhra Pradesh :

Punishment—Imprisonment for 5 years, or fine, or both—Cognizable—Bailable—
Triable by Magistrate of the first class—Non-compoundable.

Vide A.P. Act 3 of 1992, section 2 (w.e.f. 15-2-1992).

498. Enticing or taking away or detaining with criminal intent a married woman —

Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for 2 years, or fine, or both—Non-cognizable—Bailable—Triable by any Magistrate—Compoundable by the person with whom the offender has contracted.